



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-53 Legistar #: 20141154

Board of Zoning Appeals Hearing: Monday, November 24, 2014

Property Owner: David Strother, Sr.
 G.G.S. Automotive d/b/a Marietta Toyota
 708 Cobb Parkway South
 Marietta, GA 30061

Applicant: David Funderburk
 1995 North Park Place, Suite 250
 Atlanta, GA 30339

Address: 708 Cobb Parkway South

Land Lot: 05740 District: 17 Parcel: 0100

Council Ward: 1 Existing Zoning: CRC

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow the use of ACM (Aluminum Composite Metal) panels on the front and side of a building facing a roadway. [§ 708.16 (G)(3)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Recommended Action:

Approval. The applicant David Funderburk is requesting a variance for the Toyota Used Car Center at 708 Cobb Parkway South. This variance would allow the installation of aluminum composite metal (ACM) panels on the front and side walls facing a public roadway. The subject property is zoned CRC (Community Retail Commercial). It is bordered to the north, south and east (across Cobb Parkway South) by other properties also zoned CRC. The property to the west of the subject property is zoned OI (Office Institutional).

The proposed project involves the exterior renovation of the used car building, which include the use of ACM (aluminum composite material) panels on the front and side walls. Section 708.16.G.3 of the Zoning Ordinance states that “*Building design and materials may be of the developer’s choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.*” The applicant is requesting a variance to allow ACM panels to comply with the mandate by Toyota USA for all franchises in the United States and to bring the Toyota Used Car Center into compliance with the “Toyota Image-USA” design standards. This variance will also allow the renovations to match the neighboring Toyota New Car Showroom which is located directly across the street at 727 Cobb Parkway South. Marietta Board of Zoning Appeals and City Council approved the request to allow ACM panels on the exterior renovations that used ACM panels, Z2007-15.



Both the Marietta Board of Zoning Appeals and City Council have heard and approved requests for similar exterior materials. Below is a list of recent cases.

Case #	Address	Organization
Z2007-15	727 Cobb Parkway South	Marietta Toyota
V2010-22	1250 Atlanta Ind Dr	Atlanta Beverage Company
V2010-25	925 Cobb Parkway South	Team Nissan
V2011-17	2155 Cobb Parkway S	Steve Rayman Chevrolet
V2013-10	2150 Cobb Pkwy S	Buick GMC
V2014-02	1865 Cobb Pkwy S	Pugmire Lincoln Mercury

Although this property fronts a highly visible and highly traveled arterial corridor within the City of Marietta, the ACM panels provide a modern, attractive design feature, and are not a metal façade typical of industrial buildings. This proposal is substantially similar to the previously noted cases, and as a result, staff recommends approval of this variance request.

Staff recommends approval of this variance request.